



Intarcia Ref. No. INT 004.10  
USSN 10/004,118  
PATENT

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR §1.8 on the date indicated below and with sufficient postage addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Gary R. Fabian

Printed Name

*Gary R. Fabian*

27 October 2008

Signature

Date of Deposit

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |                           |
|---|---------------------------|
| In Re Application of: Stanford Mark Moran                 | Confirmation No. 8022     |
| Serial No.: 10/004,118                                    | Art Unit: 1647            |
| Filing Date: 30 October 2001                              | Examiner: Seharaseyon, J. |
| Title: METHOD FOR TREATING DISEASES WITH OMEGA INTERFERON |                           |

**TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-referenced application are the following documents:

1. Transmittal;
2. Response to Final Rejection, including complete listing of the claims;
3. Petition For Extension Of Time Under 37 CFR 1.136(a), including authorization to charge Deposit Account the required fee;
4. Declaration Under 37 C.F.R. §1.132, including Appendices A-E;
5. Request for Continued Examination (RCE), including authorization to charge Deposit Account the required fee;
6. Return Receipt Postcard; and
7. Certificates of First Class Mailing.

**Authorization to Charge Deposit Account.**

No additional fees are believed due in connection with this paper. However, the Commissioner is hereby authorized to charge to Deposit Account No. **504212** any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, with the exception of the payment of the Issue Fee.

Address all future communications to **Customer Number: 000074866**

Barbara G. McClung, Esq.  
Vice President, General Counsel and Corporate Secretary  
Intarcia Therapeutics, Inc.  
24650 Industrial Blvd  
Hayward CA 94545  
Phone: 510-782-7800 ext 122  
Facsimile: 510-782-7801

Respectfully submitted,

Dated: 27 Oct 2008

By :

Gary R. Fabian  
Gary R. Fabian, Ph.D.  
Registration No. 33,875  
Agent for Applicant



JRW RCE

PTO/SB/30 (09-08)  
Approved for use through 10/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                     |
|------------------------|---------------------|
| Application Number     | 10/004,118          |
| Filing Date            | 30 October 2001     |
| First Named Inventor   | Stanford Mark Moran |
| Art Unit               | 1647                |
| Examiner Name          | Seharaseyon, J.     |
| Attorney Docket Number | INT 004.10          |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii.  Other \_\_\_\_\_

b.  Enclosed

|  |  |
|--|--|
| i. <input checked="" type="checkbox"/> Amendment/Reply               | iii. <input type="checkbox"/> Information Disclosure Statement (IDS) |
| ii. <input checked="" type="checkbox"/> Affidavit(s)/ Declaration(s) | iv. <input type="checkbox"/> Other _____                             |

2. **Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
b.  Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to a Deposit Account No. 504212.

i.  RCE fee required under 37 CFR 1.17(e) \$405.00 (Small entity rate)  
ii.  Extension of time fee (37 CFR 1.136 and 1.17)  
iii.  Other \_\_\_\_\_

10/29/2008 MGE BREM1 00000009 504212 10004118

b.  Check in the amount of \$ \_\_\_\_\_ endo #2252 245.00 DA  
c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |                       |                  |                 |
|-------------------|-----------------------|------------------|-----------------|
| Signature         | Gary R. Fabian        | Date             | 27 October 2008 |
| Name (Print/Type) | Gary R. Fabian, Ph.D. | Registration No. | 33,875          |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature Gary R. Fabian

|                   |                       |      |                 |
|-------------------|-----------------------|------|-----------------|
| Name (Print/Type) | Gary R. Fabian, Ph.D. | Date | 27 October 2008 |
|-------------------|-----------------------|------|-----------------|

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/29/2008 MGE BREM1 00000009 10004118

02 FC:2801 405.00 DA